IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7749 of 2002

with

SPECIAL CIVIL APPLICATION No 12346 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAMMARSING GEDALSING THAKOR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7749 of 2002
   MR UM SHASTRI for Petitioner No. 1
   Mr.Digant P. Joshi, ASSISTANT GOVERNMENT PLEADER for Respondent No. 1-3
2. Special Civil Application No. 12346 of 2002
   MR.Digant P. Joshi, ASSISTANT GOVERNMENT PLEADER for Petitioner No. 1
   ..... for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 28/01/2003

COMMON ORAL JUDGEMENT

Special Civil Application No.7749 of 2002 is filed by the workman praying for relief that the respondent authorities be directed to reinstate the petitioner and comply with the judgement and award passed by the Labour Court, Godhra in Reference (LCG) No.41 of 1992 dated 24.12.2001, a copy of which is at Annexure 'A' to the said petition. Whereas Special Civil Application No.12346 of 2002 is filed by the State of Gujarat against the said workman challenging the order of reinstatement.

2. RULE. With the consent of the learned advocates, the matters are taken up for final disposal. As discussed by the learned Judge of the Labour Court in para 12 of the award, the authorities have not produced any written reply to the statement of claim of the workman. It is also not proved that the workman was not in service from 1981 to 1985 and that he has not worked for 240 days or more. The learned Judge having taken into consideration the rival contentions of both the sides was pleased to award reinstatement of the workman on his original post of daily wager, Chowkidar, without back wages, with continuity of service.

3. Special Civil Application No.7749 of 2002 is allowed. Rule is made absolute. Having found no substance in Special Civil Application No.12346 of 2002, the same is dismissed. Rule is discharged. No order as to costs in both the petitions. The authorities are directed to implement the award within eight weeks from the date of receipt of this order. Direct service is permitted. No order as to costs.

(Ravi R. Tripathi, J.)

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